**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR**

**WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928**

**WP(C).No. 4937 of 2007(K)**
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**PETITIONER:**
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**FRANCIS JOSEPH, AGED 48 YEARS,**
**S/O.JOSEPH, VARIAMPARAMBIL HOUSE, PULIYAMMELA,**
**KATTAPPANA, IDUKKI.**

**BY ADV. SRI.T.A.UNNIKRISHNAN**
**SRI.P.P.BIJU**

**RESPONDENTS:**
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1. **THE REGIONAL TRANSPORT OFFICER,**
   **IDUKKI.**

2. **CHOLAMANDALAM INVESTMENT AND FINANCE**
   **COMPANY LTD., BRANCH OFFICE,**
   **KOTTAYAM REP.BY ITS MANAGER.**

**BY GOVT.PLEADER SMT. MEERA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**K.BALAKRISHNAN NAIR,J.**

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WP(C)NO.4937 OF 2007-K

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Judgment

The petitioner is the registered owner of the goods vehicle KL-6/C-368. It was purchased by availing a loan from the 2nd respondent. The existence of the hire purchase agreement is endorsed in the registration certificate of that vehicle. The petitioner submits, he has paid the entire amount due to 2nd respondent. But, it is not issuing the NOC for cancellation of the above said endorsement in the Registration Certificate. So, this Writ Petition is filed, seeking the following relief:

> *"issue a writ of mandamus or such other writ, order or direction, directing the respondent No.1 to cancel the endorsement on the registration certificate of the petitioner's vehicle bearing registration No.KL-6/C-368 with regard to the hire purchase agreement with the 2nd respondent."*

The 1st respondent can cancel the endorsement regarding hire purchase agreement in the registration certificate, if only the 2nd respondent financier gives NOC for the same. If the 2nd respondent withholds the NOC without any justification, as alleged by the petitioner, his remedy is to move the competent civil court and get appropriate orders against the said respondent. Armed with the order of the civil court, he can move the 1st respondent for cancellation of the endorsement regarding the hire purchase agreement in the registration

certificate. This Court cannot adjudicate on the dispute between the petitioner and the 2nd respondent. In the result, the Writ Petition is closed without prejudice to the contentions of the petitioner and his right to move other forums for appropriate reliefs.

14.02.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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